

HOUSE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 668

1 AN ACT

2 To repeal sections 144.010, 144.030, 147.120,
3 148.330, 265.300, 267.565, 276.606, 277.020,
4 277.200, 348.195, 348.210, 348.406, 348.412,
5 348.430, 348.432, 430.030, 578.405, 578.407,
6 578.409, 578.412, 640.700, 640.703, 640.710,
7 640.715, 640.725, 640.730, 640.735, 640.740,
8 640.745, 640.747, 640.750, 640.755, 640.758,
9 644.016, and 644.051, RSMo, and to enact in
10 lieu thereof thirty-eight new sections
11 relating to agriculture, with penalty
12 provisions.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
14 AS FOLLOWS:

15 Section A. Sections 144.010, 144.030, 147.120, 148.330,
16 265.300, 267.565, 276.606, 277.020, 277.200, 348.195, 348.210,
17 348.406, 348.412, 348.430, 348.432, 430.030, 578.405, 578.407,
18 578.409, 578.412, 640.700, 640.703, 640.710, 640.715, 640.725,
19 640.730, 640.735, 640.740, 640.745, 640.747, 640.750, 640.755,
20 640.758, 644.016, and 644.051, RSMo, are repealed and thirty-
21 eight new sections enacted in lieu thereof, to be known as
22 sections 10.150, 10.160, 144.010, 144.030, 147.120, 148.330,
23 265.300, 267.565, 276.606, 277.020, 277.200, 348.195, 348.210,
24 348.406, 348.412, 348.430, 348.432, 430.030, 578.405, 578.407,

1 578.409, 578.412, 644.016, 644.051, 644.600, 644.603, 644.610,
2 644.617, 644.625, 644.630, 644.635, 644.640, 644.645, 644.647,
3 644.650, 644.655, 644.657, and 1, to read as follows:

4 10.150. The Missouri native grass (*Andropogon gerardii*)
5 known as "Big Bluestem" is selected for, and shall be known as,
6 the official grass of the state of Missouri.

7 10.160. The Norton/Cynthiana grape, designated as *Vitis*
8 *aestivalis*, is hereby selected for, and shall be known as, the
9 official state grape of the state of Missouri.

10 144.010. 1. The following words, terms, and phrases when
11 used in sections 144.010 to 144.525 have the meanings ascribed to
12 them in this section, except when the context indicates a
13 different meaning:

14 (1) "Admission" includes seats and tables, reserved or
15 otherwise, and other similar accommodations and charges made
16 therefor and amount paid for admission, exclusive of any
17 admission tax imposed by the federal government or by sections
18 144.010 to 144.525;

19 (2) "Business" includes any activity engaged in by any
20 person, or caused to be engaged in by him, with the object of
21 gain, benefit or advantage, either direct or indirect, and the
22 classification of which business is of such character as to be
23 subject to the terms of sections 144.010 to 144.525. The
24 isolated or occasional sale of tangible personal property,
25 service, substance, or thing, by a person not engaged in such

1 business, does not constitute engaging in business within the
2 meaning of sections 144.010 to 144.525 unless the total amount of
3 the gross receipts from such sales, exclusive of receipts from
4 the sale of tangible personal property by persons which property
5 is sold in the course of the partial or complete liquidation of a
6 household, farm or nonbusiness enterprise, exceeds three thousand
7 dollars in any calendar year. The provisions of this subdivision
8 shall not be construed to make any sale of property which is
9 exempt from sales tax or use tax on June 1, 1977, subject to that
10 tax thereafter;

11 (3) "Gross receipts", except as provided in section
12 144.012, means the total amount of the sale price of the sales at
13 retail including any services other than charges incident to the
14 extension of credit that are a part of such sales made by the
15 businesses herein referred to, capable of being valued in money,
16 whether received in money or otherwise; except that, the term
17 "gross receipts" shall not include the sale price of property
18 returned by customers when the full sale price thereof is
19 refunded either in cash or by credit. In determining any tax due
20 under sections 144.010 to 144.525 on the gross receipts, charges
21 incident to the extension of credit shall be specifically
22 exempted. For the purposes of sections 144.010 to 144.525 the
23 total amount of the sale price above mentioned shall be deemed to
24 be the amount received. It shall also include the lease or
25 rental consideration where the right to continuous possession or

1 use of any article of tangible personal property is granted under
2 a lease or contract and such transfer of possession would be
3 taxable if outright sale were made and, in such cases, the same
4 shall be taxable as if outright sale were made and considered as
5 a sale of such article, and the tax shall be computed and paid by
6 the lessee upon the rentals paid;

7 (4) "Livestock", cattle, calves, sheep, swine, ratite
8 birds, including but not limited to, ostrich and emu, aquatic
9 products as defined in section 277.024, RSMo, American bison or
10 buffalo, elk documented as obtained from a legal source and not
11 from the wild, goats, horses, other equine, or rabbits raised in
12 confinement for human consumption;

13 (5) "Motor vehicle leasing company" shall be a company
14 obtaining a permit from the director of revenue to operate as a
15 motor vehicle leasing company. Not all persons renting or
16 leasing trailers or motor vehicles need to obtain such a permit;
17 however, no person failing to obtain such a permit may avail
18 itself of the optional tax provisions of subsection 5 of section
19 144.070, as hereinafter provided;

20 (6) "Person" includes any individual, firm, copartnership,
21 joint adventure, association, corporation, municipal or private,
22 and whether organized for profit or not, state, county, political
23 subdivision, state department, commission, board, bureau or
24 agency, except the state transportation department, estate,
25 trust, business trust, receiver or trustee appointed by the state

1 or federal court, syndicate, or any other group or combination
2 acting as a unit, and the plural as well as the singular number;

3 (7) "Purchaser" means a person who purchases tangible
4 personal property or to whom are rendered services, receipts from
5 which are taxable under sections 144.010 to 144.525;

6 (8) "Research or experimentation activities", are the
7 development of an experimental or pilot model, plant process,
8 formula, invention or similar property, and the improvement of
9 existing property of such type. Research or experimentation
10 activities do not include activities such as ordinary testing or
11 inspection of materials or products for quality control,
12 efficiency surveys, advertising promotions or research in
13 connection with literary, historical or similar projects;

14 (9) "Sale" or "sales" includes installment and credit
15 sales, and the exchange of properties as well as the sale thereof
16 for money, every closed transaction constituting a sale, and
17 means any transfer, exchange or barter, conditional or otherwise,
18 in any manner or by any means whatsoever, of tangible personal
19 property for valuable consideration and the rendering, furnishing
20 or selling for a valuable consideration any of the substances,
21 things and services herein designated and defined as taxable
22 under the terms of sections 144.010 to 144.525;

23 (10) "Sale at retail" means any transfer made by any person
24 engaged in business as defined herein of the ownership of, or
25 title to, tangible personal property to the purchaser, for use or

1 consumption and not for resale in any form as tangible personal
2 property, for a valuable consideration; except that, for the
3 purposes of sections 144.010 to 144.525 and the tax imposed
4 thereby: (i) purchases of tangible personal property made by
5 duly licensed physicians, dentists, optometrists and
6 veterinarians and used in the practice of their professions shall
7 be deemed to be purchases for use or consumption and not for
8 resale; and (ii) the selling of computer printouts, computer
9 output or microfilm or microfiche and computer-assisted photo
10 compositions to a purchaser to enable the purchaser to obtain for
11 his or her own use the desired information contained in such
12 computer printouts, computer output on microfilm or microfiche
13 and computer-assisted photo compositions shall be considered as
14 the sale of a service and not as the sale of tangible personal
15 property. Where necessary to conform to the context of sections
16 144.010 to 144.525 and the tax imposed thereby, the term "sale at
17 retail" shall be construed to embrace:

18 (a) Sales of admission tickets, cash admissions, charges
19 and fees to or in places of amusement, entertainment and
20 recreation, games and athletic events;

21 (b) Sales of electricity, electrical current, water and
22 gas, natural or artificial, to domestic, commercial or industrial
23 consumers;

24 (c) Sales of local and long distance telecommunications
25 service to telecommunications subscribers and to others through

1 equipment of telecommunications subscribers for the transmission
2 of messages and conversations, and the sale, rental or leasing of
3 all equipment or services pertaining or incidental thereto;

4 (d) Sales of service for transmission of messages by
5 telegraph companies;

6 (e) Sales or charges for all rooms, meals and drinks
7 furnished at any hotel, motel, tavern, inn, restaurant, eating
8 house, drugstore, dining car, tourist camp, tourist cabin, or
9 other place in which rooms, meals or drinks are regularly served
10 to the public;

11 (f) Sales of tickets by every person operating a railroad,
12 sleeping car, dining car, express car, boat, airplane, and such
13 buses and trucks as are licensed by the division of motor carrier
14 and railroad safety of the department of economic development of
15 Missouri, engaged in the transportation of persons for hire;

16 (11) "Seller" means a person selling or furnishing tangible
17 personal property or rendering services, on the receipts from
18 which a tax is imposed pursuant to section 144.020;

19 (12) The noun "tax" means either the tax payable by the
20 purchaser of a commodity or service subject to tax, or the
21 aggregate amount of taxes due from the vendor of such commodities
22 or services during the period for which he or she is required to
23 report his or her collections, as the context may require;

24 (13) "Telecommunications service", for the purpose of this
25 chapter, the transmission of information by wire, radio, optical

1 cable, coaxial cable, electronic impulses, or other similar
2 means. As used in this definition, "information" means knowledge
3 or intelligence represented by any form of writing, signs,
4 signals, pictures, sounds, or any other symbols.

5 Telecommunications service does not include the following if such
6 services are separately stated on the customer's bill or on
7 records of the seller maintained in the ordinary course of
8 business:

9 (a) Access to the Internet, access to interactive computer
10 services or electronic publishing services, except the amount
11 paid for the telecommunications service used to provide such
12 access;

13 (b) Answering services and one-way paging services;

14 (c) Private mobile radio services which are not two-way
15 commercial mobile radio services such as wireless telephone,
16 personal communications services or enhanced specialized mobile
17 radio services as defined pursuant to federal law; or

18 (d) Cable or satellite television or music services; and

19 (14) "Product which is intended to be sold ultimately for
20 final use or consumption" means tangible personal property, or
21 any service that is subject to state or local sales or use taxes,
22 or any tax that is substantially equivalent thereto, in this
23 state or any other state.

24 2. For purposes of the taxes imposed under sections 144.010
25 to 144.525, and any other provisions of law pertaining to sales

1 or use taxes which incorporate the provisions of sections 144.010
2 to 144.525 by reference, the term "manufactured homes" shall have
3 the same meaning given it in section 700.010, RSMo.

4 3. Sections 144.010 to 144.525 may be known and quoted as
5 the "Sales Tax Law".

6 144.030. 1. There is hereby specifically exempted from the
7 provisions of sections 144.010 to 144.525 and from the
8 computation of the tax levied, assessed or payable pursuant to
9 sections 144.010 to 144.525 such retail sales as may be made in
10 commerce between this state and any other state of the United
11 States, or between this state and any foreign country, and any
12 retail sale which the state of Missouri is prohibited from taxing
13 pursuant to the Constitution or laws of the United States of
14 America, and such retail sales of tangible personal property
15 which the general assembly of the state of Missouri is prohibited
16 from taxing or further taxing by the constitution of this state.

17 2. There are also specifically exempted from the provisions
18 of the local sales tax law as defined in section 32.085, RSMo,
19 section 238.235, RSMo, and sections 144.010 to 144.525 and
20 144.600 to 144.745 and from the computation of the tax levied,
21 assessed or payable pursuant to the local sales tax law as
22 defined in section 32.085, RSMo, section 238.235, RSMo, and
23 sections 144.010 to 144.525 and 144.600 to 144.745:

24 (1) Motor fuel or special fuel subject to an excise tax of
25 this state, unless all or part of such excise tax is refunded

1 pursuant to section 142.584, RSMo; or upon the sale at retail of
2 fuel to be consumed in manufacturing or creating gas, power,
3 steam, electrical current or in furnishing water to be sold
4 ultimately at retail; or feed for livestock or poultry; or grain
5 to be converted into foodstuffs which are to be sold ultimately
6 in processed form at retail; or seed, limestone or fertilizer
7 which is to be used for seeding, liming or fertilizing crops
8 which when harvested will be sold at retail or will be fed to
9 livestock or poultry to be sold ultimately in processed form at
10 retail; economic poisons registered pursuant to the provisions of
11 the Missouri pesticide registration law (sections 281.220 to
12 281.310, RSMo) which are to be used in connection with the growth
13 or production of crops, fruit trees or orchards applied before,
14 during, or after planting, the crop of which when harvested will
15 be sold at retail or will be converted into foodstuffs which are
16 to be sold ultimately in processed form at retail;

17 (2) Materials, manufactured goods, machinery and parts
18 which when used in manufacturing, processing, compounding,
19 mining, producing or fabricating become a component part or
20 ingredient of the new personal property resulting from such
21 manufacturing, processing, compounding, mining, producing or
22 fabricating and which new personal property is intended to be
23 sold ultimately for final use or consumption; and materials,
24 including without limitation, gases and manufactured goods,
25 including without limitation, slagging materials and firebrick,

1 which are ultimately consumed in the manufacturing process by
2 blending, reacting or interacting with or by becoming, in whole
3 or in part, component parts or ingredients of steel products
4 intended to be sold ultimately for final use or consumption;

5 (3) Materials, replacement parts and equipment purchased
6 for use directly upon, and for the repair and maintenance or
7 manufacture of, motor vehicles, watercraft, railroad rolling
8 stock or aircraft engaged as common carriers of persons or
9 property;

10 (4) Replacement machinery, equipment, and parts and the
11 materials and supplies solely required for the installation or
12 construction of such replacement machinery, equipment, and parts,
13 used directly in manufacturing, mining, fabricating or producing
14 a product which is intended to be sold ultimately for final use
15 or consumption; and machinery and equipment, and the materials
16 and supplies required solely for the operation, installation or
17 construction of such machinery and equipment, purchased and used
18 to establish new, or to replace or expand existing, material
19 recovery processing plants in this state. For the purposes of
20 this subdivision, a "material recovery processing plant" means a
21 facility which converts recovered materials into a new product,
22 or a different form which is used in producing a new product, and
23 shall include a facility or equipment which is used exclusively
24 for the collection of recovered materials for delivery to a
25 material recovery processing plant but shall not include motor

1 vehicles used on highways. For purposes of this section, the
2 terms "motor vehicle" and "highway" shall have the same meaning
3 pursuant to section 301.010, RSMo;

4 (5) Machinery and equipment, and parts and the materials
5 and supplies solely required for the installation or construction
6 of such machinery and equipment, purchased and used to establish
7 new or to expand existing manufacturing, mining or fabricating
8 plants in the state if such machinery and equipment is used
9 directly in manufacturing, mining or fabricating a product which
10 is intended to be sold ultimately for final use or consumption;

11 (6) Tangible personal property which is used exclusively in
12 the manufacturing, processing, modification or assembling of
13 products sold to the United States government or to any agency of
14 the United States government;

15 (7) Animals or poultry used for breeding or feeding
16 purposes;

17 (8) Newsprint, ink, computers, photosensitive paper and
18 film, toner, printing plates and other machinery, equipment,
19 replacement parts and supplies used in producing newspapers
20 published for dissemination of news to the general public;

21 (9) The rentals of films, records or any type of sound or
22 picture transcriptions for public commercial display;

23 (10) Pumping machinery and equipment used to propel
24 products delivered by pipelines engaged as common carriers;

25 (11) Railroad rolling stock for use in transporting persons

1 or property in interstate commerce and motor vehicles licensed
2 for a gross weight of twenty-four thousand pounds or more or
3 trailers used by common carriers, as defined in section 390.020,
4 RSMo, solely in the transportation of persons or property in
5 interstate commerce;

6 (12) Electrical energy used in the actual primary
7 manufacture, processing, compounding, mining or producing of a
8 product, or electrical energy used in the actual secondary
9 processing or fabricating of the product, or a material recovery
10 processing plant as defined in subdivision (4) of this
11 subsection, in facilities owned or leased by the taxpayer, if the
12 total cost of electrical energy so used exceeds ten percent of
13 the total cost of production, either primary or secondary,
14 exclusive of the cost of electrical energy so used or if the raw
15 materials used in such processing contain at least twenty-five
16 percent recovered materials as defined in section 260.200, RSMo.
17 For purposes of this subdivision, "processing" means any mode of
18 treatment, act or series of acts performed upon materials to
19 transform and reduce them to a different state or thing,
20 including treatment necessary to maintain or preserve such
21 processing by the producer at the production facility;

22 (13) Anodes which are used or consumed in manufacturing,
23 processing, compounding, mining, producing or fabricating and
24 which have a useful life of less than one year;

25 (14) Machinery, equipment, appliances and devices purchased

1 or leased and used solely for the purpose of preventing, abating
2 or monitoring air pollution, and materials and supplies solely
3 required for the installation, construction or reconstruction of
4 such machinery, equipment, appliances and devices, and so
5 certified as such by the director of the department of natural
6 resources, except that any action by the director pursuant to
7 this subdivision may be appealed to the air conservation
8 commission which may uphold or reverse such action;

9 (15) Machinery, equipment, appliances and devices purchased
10 or leased and used solely for the purpose of preventing, abating
11 or monitoring water pollution, and materials and supplies solely
12 required for the installation, construction or reconstruction of
13 such machinery, equipment, appliances and devices, and so
14 certified as such by the director of the department of natural
15 resources, except that any action by the director pursuant to
16 this subdivision may be appealed to the Missouri clean water
17 commission which may uphold or reverse such action;

18 (16) Tangible personal property purchased by a rural water
19 district;

20 (17) All amounts paid or charged for admission or
21 participation or other fees paid by or other charges to
22 individuals in or for any place of amusement, entertainment or
23 recreation, games or athletic events, including museums, fairs,
24 zoos and planetariums, owned or operated by a municipality or
25 other political subdivision where all the proceeds derived

1 therefrom benefit the municipality or other political subdivision
2 and do not inure to any private person, firm, or corporation;

3 (18) All sales of insulin and prosthetic or orthopedic
4 devices as defined on January 1, 1980, by the federal Medicare
5 program pursuant to Title XVIII of the Social Security Act of
6 1965, including the items specified in Section 1862(a)(12) of
7 that act, and also specifically including hearing aids and
8 hearing aid supplies and all sales of drugs which may be legally
9 dispensed by a licensed pharmacist only upon a lawful
10 prescription of a practitioner licensed to administer those
11 items, including samples and materials used to manufacture
12 samples which may be dispensed by a practitioner authorized to
13 dispense such samples and all sales of medical oxygen, home
14 respiratory equipment and accessories, hospital beds and
15 accessories and ambulatory [aides] aids, all sales of manual and
16 powered wheelchairs, stairway lifts, Braille writers, electronic
17 Braille equipment and, if purchased by or on behalf of a person
18 with one or more physical or mental disabilities to enable them
19 to function more independently, all sales of scooters, reading
20 machines, electronic print enlargers and magnifiers, electronic
21 alternative and augmentative communication devices, and items
22 used solely to modify motor vehicles to permit the use of such
23 motor vehicles by individuals with disabilities or sales of
24 over-the-counter or nonprescription drugs to individuals with
25 disabilities;

1 (19) All sales made by or to religious and charitable
2 organizations and institutions in their religious, charitable or
3 educational functions and activities and all sales made by or to
4 all elementary and secondary schools operated at public expense
5 in their educational functions and activities;

6 (20) All sales of aircraft to common carriers for storage
7 or for use in interstate commerce and all sales made by or to not
8 for profit civic, social, service or fraternal organizations,
9 including fraternal organizations which have been declared tax
10 exempt organizations pursuant to Section 501(c)(8) or (10) of the
11 1986 Internal Revenue Code, as amended, solely in their civic or
12 charitable functions and activities and all sales made to
13 eleemosynary and penal institutions and industries of the state,
14 and all sales made to any private not for profit institution of
15 higher education not otherwise excluded pursuant to subdivision
16 (19) of this subsection or any institution of higher education
17 supported by public funds, and all sales made to a state relief
18 agency in the exercise of relief functions and activities;

19 (21) All ticket sales made by benevolent, scientific and
20 educational associations which are formed to foster, encourage,
21 and promote progress and improvement in the science of
22 agriculture and in the raising and breeding of animals, and by
23 nonprofit summer theater organizations if such organizations are
24 exempt from federal tax pursuant to the provisions of the
25 Internal Revenue Code and all admission charges and entry fees to

1 the Missouri state fair or any fair conducted by a county
2 agricultural and mechanical society organized and operated
3 pursuant to sections 262.290 to 262.530, RSMo;

4 (22) All sales made to any private not for profit
5 elementary or secondary school, all sales of feed additives,
6 medications or vaccines administered to livestock or poultry in
7 the production of food or fiber, all sales of pesticides used in
8 the production of crops, livestock or poultry for food or fiber,
9 all sales of bedding used in the production of livestock or
10 poultry for food or fiber, all sales of propane or natural gas,
11 electricity or diesel fuel used exclusively for drying
12 agricultural crops, and all sales of farm machinery, other than
13 airplanes, motor vehicles and trailers. As used in this
14 subdivision, the term "feed additives" means tangible personal
15 property which, when mixed with feed for livestock or poultry, is
16 to be used in the feeding of livestock or poultry. As used in
17 this subdivision, the term "pesticides" includes adjuvants such
18 as crop oils, surfactants, wetting agents and other assorted
19 pesticide carriers used to improve or enhance the effect of a
20 pesticide and the foam used to mark the application of pesticides
21 and herbicides for the production of crops, livestock or poultry.
22 As used in this subdivision, the term "farm machinery" means new
23 or used farm tractors and such other new or used farm machinery
24 and equipment and repair or replacement parts thereon and
25 lubricants used exclusively for such farm machinery and equipment

1 and one-half of each purchaser's purchase of diesel fuel therefor
2 which is:

3 (a) Used exclusively for agricultural purposes;

4 (b) Used on land owned or leased for the purpose of
5 producing farm products; and

6 (c) Used directly in producing farm products to be sold
7 ultimately in processed form or otherwise at retail or in
8 producing farm products to be fed to livestock or poultry to be
9 sold ultimately in processed form at retail;

10 (23) Except as otherwise provided in section 144.032, all
11 sales of metered water service, electricity, electrical current,
12 natural, artificial or propane gas, wood, coal or home heating
13 oil for domestic use and in any city not within a county, all
14 sales of metered or unmetered water service for domestic use;

15 (a) "Domestic use" means that portion of metered water
16 service, electricity, electrical current, natural, artificial or
17 propane gas, wood, coal or home heating oil, and in any city not
18 within a county, metered or unmetered water service, which an
19 individual occupant of a residential premises uses for
20 nonbusiness, noncommercial or nonindustrial purposes. Utility
21 service through a single or master meter for residential
22 apartments or condominiums, including service for common areas
23 and facilities and vacant units, shall be deemed to be for
24 domestic use. Each seller shall establish and maintain a system
25 whereby individual purchases are determined as exempt or

1 nonexempt;

2 (b) Regulated utility sellers shall determine whether
3 individual purchases are exempt or nonexempt based upon the
4 seller's utility service rate classifications as contained in
5 tariffs on file with and approved by the Missouri public service
6 commission. Sales and purchases made pursuant to the rate
7 classification "residential" and sales to and purchases made by
8 or on behalf of the occupants of residential apartments or
9 condominiums through a single or master meter, including service
10 for common areas and facilities and vacant units, shall be
11 considered as sales made for domestic use and such sales shall be
12 exempt from sales tax. Sellers shall charge sales tax upon the
13 entire amount of purchases classified as nondomestic use. The
14 seller's utility service rate classification and the provision of
15 service thereunder shall be conclusive as to whether or not the
16 utility must charge sales tax;

17 (c) Each person making domestic use purchases of services
18 or property and who uses any portion of the services or property
19 so purchased for a nondomestic use shall, by the fifteenth day of
20 the fourth month following the year of purchase, and without
21 assessment, notice or demand, file a return and pay sales tax on
22 that portion of nondomestic purchases. Each person making
23 nondomestic purchases of services or property and who uses any
24 portion of the services or property so purchased for domestic
25 use, and each person making domestic purchases on behalf of

1 occupants of residential apartments or condominiums through a
2 single or master meter, including service for common areas and
3 facilities and vacant units, under a nonresidential utility
4 service rate classification may, between the first day of the
5 first month and the fifteenth day of the fourth month following
6 the year of purchase, apply for credit or refund to the director
7 of revenue and the director shall give credit or make refund for
8 taxes paid on the domestic use portion of the purchase. The
9 person making such purchases on behalf of occupants of
10 residential apartments or condominiums shall have standing to
11 apply to the director of revenue for such credit or refund;

12 (24) All sales of handicraft items made by the seller or
13 the seller's spouse if the seller or the seller's spouse is at
14 least sixty-five years of age, and if the total gross proceeds
15 from such sales do not constitute a majority of the annual gross
16 income of the seller;

17 (25) Excise taxes, collected on sales at retail, imposed by
18 Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and
19 4271 of Title 26, United States Code. The director of revenue
20 shall promulgate rules pursuant to chapter 536, RSMo, to
21 eliminate all state and local sales taxes on such excise taxes;

22 (26) Sales of fuel consumed or used in the operation of
23 ships, barges, or waterborne vessels which are used primarily in
24 or for the transportation of property or cargo, or the conveyance
25 of persons for hire, on navigable rivers bordering on or located

1 in part in this state, if such fuel is delivered by the seller to
2 the purchaser's barge, ship, or waterborne vessel while it is
3 afloat upon such river;

4 (27) All sales made to an interstate compact agency created
5 pursuant to sections 70.370 to 70.430, RSMo, or sections 238.010
6 to 238.100, RSMo, in the exercise of the functions and activities
7 of such agency as provided pursuant to the compact;

8 (28) Computers, computer software and computer security
9 systems purchased for use by architectural or engineering firms
10 headquartered in this state. For the purposes of this
11 subdivision, "headquartered in this state" means the office for
12 the administrative management of at least four integrated
13 facilities operated by the taxpayer is located in the state of
14 Missouri;

15 (29) All livestock sales when either the seller is engaged
16 in the growing, producing or feeding of such livestock, or the
17 seller is engaged in the business of buying and selling,
18 bartering or leasing of such livestock;

19 (30) All sales of barges which are to be used primarily in
20 the transportation of property or cargo on interstate waterways;

21 (31) Electrical energy or gas, whether natural, artificial
22 or propane, which is ultimately consumed in connection with the
23 manufacturing of cellular glass products;

24 (32) Notwithstanding other provisions of law to the
25 contrary, all sales of pesticides or herbicides used in the

1 production of crops, aquaculture, livestock or poultry;

2 (33) Tangible personal property purchased for use or
3 consumption directly or exclusively in the research and
4 development of prescription pharmaceuticals consumed by humans or
5 animals;

6 (34) All sales of grain bins for storage of grain for
7 resale;

8 (35) All sales of feed which are developed for and used in
9 the feeding of pets owned by a commercial breeder when such sales
10 are made to a commercial breeder, as defined in section 273.325,
11 RSMo, and licensed pursuant to sections 273.325 to 273.357, RSMo;

12 (36) All purchases by a contractor on behalf of an entity
13 located in another state, provided that the entity is authorized
14 to issue a certificate of exemption for purchases to a contractor
15 under the provisions of that state's laws. For purposes of this
16 subdivision, the term "certificate of exemption" shall mean any
17 document evidencing that the entity is exempt from sales and use
18 taxes on purchases pursuant to the laws of the state in which the
19 entity is located. Any contractor making purchases on behalf of
20 such entity shall maintain a copy of the entity's exemption
21 certificate as evidence of the exemption. If the exemption
22 certificate issued by the exempt entity to the contractor is
23 later determined by the director of revenue to be invalid for any
24 reason and the contractor has accepted the certificate in good
25 faith, neither the contractor or the exempt entity shall be

1 liable for the payment of any taxes, interest and penalty due as
2 the result of use of the invalid exemption certificate.

3 Materials shall be exempt from all state and local sales and use
4 taxes when purchased by a contractor for the purpose of
5 fabricating tangible personal property which is used in
6 fulfilling a contract for the purpose of constructing, repairing
7 or remodeling facilities for the following:

8 (a) An exempt entity located in this state, if the entity
9 is one of those entities able to issue project exemption
10 certificates in accordance with the provisions of section
11 144.062; or

12 (b) An exempt entity located outside the state if the
13 exempt entity is authorized to issue an exemption certificate to
14 contractors in accordance with the provisions of that state's law
15 and the applicable provisions of this section;

16 (37) Tangible personal property purchased for use or
17 consumption directly or exclusively in research or
18 experimentation activities performed by life science companies
19 and so certified as such by the director of the department of
20 economic development or the director's designees; except that,
21 the total amount of exemptions certified pursuant to this section
22 shall not exceed one million three hundred thousand dollars in
23 state and local taxes per fiscal year. For purposes of this
24 subdivision, the term "life science companies" means companies
25 whose primary research activities are in agriculture,

1 pharmaceuticals, biomedical or food ingredients, and whose North
2 American Industry Classification System (NAICS) Codes fall under
3 industry 541710 (biotech research or development laboratories),
4 621511 (medical laboratories) or 541940 (veterinary services).
5 The exemption provided by this subdivision shall expire on June
6 30, 2003;

7 (38) All admission fees charged for hunting or taking of
8 domestically raised pheasants, partridges, and quail on shooting
9 areas licensed by the Missouri department of conservation, and
10 all sales of feed and equipment used in the domestic production
11 of pheasants, partridges, and quail by holders of a class I
12 wildlife breeders permit issued by the Missouri department of
13 conservation.

14 147.120. 1. If any corporation fails or refuses to pay the
15 taxes (including interest and penalties) assessed against it
16 after such assessment becomes final, the director of revenue
17 shall certify a list of the corporations so delinquent to the
18 attorney general who shall proceed forthwith to collect the
19 taxes. Suits for the collection of the taxes may be brought in
20 the name of the state in any court of competent jurisdiction and
21 any judgment rendered in such court in favor of the state shall
22 be a first lien on all properties and assets of the corporation
23 within this state.

24 2. The director of revenue shall notify the secretary of
25 state of any corporation that fails or refuses to pay the taxes,

1 including interest and penalties, assessed against it after such
2 assessment becomes final and the secretary of state shall then
3 administratively dissolve any domestic corporation that is
4 delinquent pursuant to section 351.486, RSMo, and shall revoke
5 the certificate of authority of any foreign corporation that is
6 delinquent pursuant to section 351.602, RSMo.

7 3. Any tax provided for pursuant to sections 147.010 to
8 147.120 not paid on or before the last day prescribed for payment
9 pursuant to sections 147.010 to 147.120 (determined with regard
10 to any extension of time for payment) shall be collected with a
11 penalty of five percent per month or fractional part thereof
12 until paid, not exceeding twenty-five percent in the aggregate.
13 Interest at the rate determined by section 32.065, RSMo, shall be
14 added to any tax not paid on or before the date due pursuant to
15 sections 147.010 to 147.120 (determined without regard to any
16 extension of time for payment). Nothing in sections 147.010 to
17 147.120 shall be construed so as to permit any officer of this
18 state to remit or abate such interest.

19 4. If any corporation fails to pay any tax due within the
20 time prescribed pursuant to sections 147.010 to 147.120 or if any
21 corporation makes errors and omissions in reports or payments,
22 and the director of revenue determines that such action is the
23 result of mistake or is due to circumstances beyond reasonable
24 control and that such delinquency or inaccuracy was unavoidable
25 or devoid of any intent to evade the tax, the director of revenue

1 may, at the director's discretion, waive any penalty that would
2 otherwise be imposed.

3 5. The director of revenue shall set the interest rate as
4 determined in section 32.065, RSMo. Such interest rate shall be
5 paid on all overpayments for the ensuing calendar year. The
6 interest shall accrue from the due date or the date of
7 overpayment, whichever is later. No interest shall be allowed or
8 paid if overpayment is refunded within four months after the
9 franchise tax report is filed.

10 6. Any notice of assessment of franchise tax due shall be
11 mailed to the corporation within three years after the report was
12 filed. The provisions of this subsection shall apply to all
13 reports filed after December 31, 1981.

14 7. If no report is filed or if a false and fraudulent
15 report is filed, a notice of assessment of franchise tax due may
16 be mailed to the corporation at any time.

17 8. If fraud or evasion on the part of a corporation or
18 anyone on behalf of a corporation is discovered, the director of
19 revenue shall determine the amount of which the state has been
20 defrauded, shall add to the amount so determined a penalty equal
21 to fifty percent thereof, and shall assess the same against the
22 corporation. The amount so assessed shall be immediately due and
23 payable; except that, the director of revenue shall promptly
24 thereafter give to such corporation written notice of such
25 assessment and penalty, which notice shall be served by

1 registered mail. Such corporation shall have the right to
2 petition for hearing of such assessment, as is provided in
3 sections 147.010 to 147.120.

4 9. Any person who willfully makes a false corporation
5 franchise tax report, or who willfully makes a false statement in
6 any report under oath or otherwise filed with or transmitted to
7 the director of revenue relating to the amount of any franchise
8 tax due pursuant to sections 147.010 to 147.120 shall, in
9 addition to other penalties provided by law and upon conviction
10 thereof, be fined not more than ten thousand dollars, or be
11 imprisoned in the county jail for not more than one year or by
12 not less than two nor more than five years in the state
13 penitentiary or by both fine and imprisonment together with the
14 cost of prosecution.

15 10. The director of revenue shall administer and enforce
16 the tax imposed by sections 147.010 to 147.120, and the director
17 is authorized to make such rules and regulations and to require
18 such facts and information to be reported as the director may
19 deem necessary to enforce the provisions of sections 147.010 to
20 147.120.

21 11. No rule or portion of a rule promulgated pursuant to
22 the authority of sections 147.010 to 147.120 shall become
23 effective unless it has been promulgated pursuant to the
24 provisions of chapter 536, RSMo.

25 12. Except as otherwise specifically provided in sections

1 147.010 to 147.120 the franchise tax shall be administered as
2 prescribed in the following provisions of chapter 143, RSMo:
3 subsections 1 and 4 of section 143.551, RSMo, sections 143.561,
4 143.571, 143.621, 143.631, 143.641, 143.651, 143.661, 143.681,
5 143.691, 143.721 and 143.731, RSMo, subsection 1 of section
6 143.741, RSMo, subsections 1, 2 and 5 of section 143.751, RSMo,
7 sections 143.771 and 143.791, RSMo, subsections 1 and 2 of
8 section 143.801, RSMo, subsections 1, 2 and 4 of section 143.811,
9 RSMo, sections 143.831, 143.841 and 143.851, RSMo, subsections 2
10 and 3 of section 143.861, RSMo, and sections 143.901, 143.902,
11 143.971 and 143.986, RSMo.

12 148.330. 1. Every such company shall, on or before the
13 first day of March in each year, make a return, verified by the
14 affidavit of its president and secretary, or other authorized
15 officers, to the director of the department of insurance stating
16 the amount of all premiums received on account of policies issued
17 in this state by the company, whether in cash or in notes, during
18 the year ending on the thirty-first day of December, next
19 preceding. Upon receipt of such returns the director of the
20 department of insurance shall verify the same and certify the
21 amount of tax due from the various companies on the basis and at
22 the rates provided in section 148.320, and shall certify the same
23 to the director of revenue together with the amount of the
24 quarterly installments to be made as provided in subsection 2 of
25 this section, on or before the thirtieth day of April of each

1 year.

2 2. Beginning January 1, 1983, the amount of the tax due for
3 that calendar year and each succeeding calendar year thereafter
4 shall be paid in four approximately equal estimated quarterly
5 installments, and a fifth reconciling installment. The first
6 four installments shall be based upon the tax for the immediately
7 preceding taxable year ending on the thirty-first day of
8 December, next preceding. The quarterly installments shall be
9 made on the first day of March, the first day of June, the first
10 day of September and the first day of December. Immediately
11 after receiving certification from the director of the department
12 of insurance of the amount of tax due from the various companies
13 the director of revenue shall notify and assess each company the
14 amount of taxes on its premiums for the calendar year ending on
15 the thirty-first day of December, next preceding. The director
16 of revenue shall also notify and assess each company the amount
17 of the estimated quarterly installments to be made for the
18 calendar year. If the amount of the actual tax due for any year
19 exceeds the total of the installments made for such year, the
20 balance of the tax due shall be paid on the first day of June of
21 the year following, together with the regular quarterly payment
22 due at that time. If the total amount of the tax actually due is
23 less than the total amount of the installments actually paid, the
24 amount by which the amount paid exceeds the amount due shall be
25 credited against the tax for the following year and deducted from

1 the quarterly installment otherwise due on the first day of June.
2 If the March first quarterly installment made by a company is
3 less than the amount assessed by the director of revenue, the
4 difference will be due on June first, but no interest will accrue
5 to the state on the difference unless the amount paid by the
6 company is less than eighty percent of one-fourth of the total
7 amount of tax assessed by the director of revenue for the
8 immediately preceding taxable year. The state treasurer, upon
9 receiving the moneys paid as a tax upon such premiums to the
10 director of revenue, shall place the moneys to the credit of a
11 fund to be known as "The County Stock Insurance Fund", which is
12 hereby created and established.

13 3. If the estimated quarterly tax installments are not so
14 paid, the director of revenue shall certify such fact to the
15 director of the division of insurance who shall thereafter
16 suspend such delinquent company or companies from the further
17 transaction of business in this state until such taxes shall be
18 paid and such companies shall be subject to the provisions of
19 sections 148.410 to 148.461.

20 4. On or before the first day of September of each year the
21 commissioner of administration shall apportion all moneys in the
22 county stock insurance fund to the general revenue fund of the
23 state, to the county treasurer and to the treasurer of the school
24 district in which the principal office of the company paying the
25 same is located. All premium tax credits described in sections

1 135.500 to 135.529, RSMo, and sections 348.430 and 348.432, RSMo,
2 shall only reduce the amounts apportioned to the general revenue
3 fund of the state and shall not reduce any moneys apportioned to
4 the treasurer of the school district in which the principal
5 office of the company paying the same is located. Apportionments
6 shall be made in the same ratio which the rates of levy for the
7 same year for state purposes, for county purposes, and for all
8 school district purposes, bear to each other; provided that any
9 proceeds from such tax for prior years remaining on hand in the
10 hands of the county collector or county treasurer undistributed
11 [on the effective date of sections 148.310 to 148.460] and any
12 proceeds of such tax for prior years collected thereafter shall
13 be distributed and paid in accordance with the provisions of such
14 sections. Whenever the word "county" occurs herein it shall be
15 construed to include the city of St. Louis.

16 265.300. The following terms as used in sections 265.300 to
17 265.470, unless the context otherwise indicates, mean:

18 (1) "Adulterated", any meat or meat product under one or
19 more of the circumstances listed in Title XXI, Chapter 12,
20 Section 601 of the United States Code as now constituted or
21 hereafter amended;

22 (2) "Capable of use as human food", any carcass, or part or
23 product of a carcass, of any animal unless it is denatured or
24 otherwise identified, as required by regulation prescribed by the
25 director, to deter its use as human food, or is naturally

1 inedible by humans;

2 (3) "Cold storage warehouse", any place for storing meat or
3 meat products which contains at any one time over two thousand
4 five hundred pounds of meat or meat products belonging to any one
5 private owner other than the owner or operator of the warehouse;

6 (4) "Commercial plant", any establishment in which
7 livestock or poultry are slaughtered for transportation or sale
8 as articles of commerce intended for or capable of use for human
9 consumption, or in which meat or meat products are prepared for
10 transportation or sale as articles of commerce, intended for or
11 capable of use for human consumption;

12 (5) "Director", the director of the department of
13 agriculture of this state, or his authorized representative;

14 (6) "Livestock", cattle, calves, sheep, swine, ratite birds
15 including but not limited to ostrich and emu, aquatic products as
16 defined in section 277.024, RSMo, American bison or buffalo, elk
17 documented as obtained from a legal source and not from the wild,
18 goats, or horses, other equines, or rabbits raised in confinement
19 for human consumption;

20 (7) "Meat", any edible portion of livestock or poultry
21 carcass or part thereof;

22 (8) "Meat product", anything containing meat intended for
23 or capable of use for human consumption, which is derived, in
24 whole or in part, from livestock or poultry;

25 (9) "Misbranded", any meat or meat product under one or

1 more of the circumstances listed in Title XXI, Chapter 12,
2 Section 601 of the United States Code as now constituted or
3 hereafter amended;

4 (10) "Official inspection mark", the symbol prescribed by
5 the director stating that an article was inspected and passed or
6 condemned;

7 (11) "Poultry", any domesticated bird intended for human
8 consumption;

9 (12) "Prepared", slaughtered, canned, salted, rendered,
10 boned, cut up, or otherwise manufactured or processed;

11 (13) "Unwholesome":

12 (a) Processed, prepared, packed or held under unsanitary
13 conditions;

14 (b) Produced in whole or in part from livestock or poultry
15 which has died other than by slaughter.

16 267.565. Unless the context requires otherwise, as used in
17 sections 267.560 to 267.660, the following terms mean:

18 (1) "Accredited approved veterinarian", a veterinarian who
19 has been accredited by the United States Department of
20 Agriculture and approved by the state department of agriculture
21 and who is duly licensed under the laws of Missouri to engage in
22 the practice of veterinary medicine, or a veterinarian domiciled
23 and practicing veterinary medicine in a state other than
24 Missouri, duly licensed under laws of the state in which he
25 resides, accredited by the United States Department of

1 Agriculture, and approved by the chief livestock sanitary
2 official of that state;

3 (2) "Animal", an animal of the equine, bovine, porcine,
4 ovine, caprine, or species domesticated or semidomesticated;

5 (3) "Approved laboratory", a laboratory approved by the
6 department;

7 (4) "Approved vaccine" or "bacterin", a vaccine or bacterin
8 produced under the license of the United States Department of
9 Agriculture and approved by the department for the immunization
10 of animals against infectious and contagious disease;

11 (5) "Bird", a bird of the avian species;

12 (6) "Certified free herd", a herd of cattle, swine, goats
13 or a flock of sheep or birds which has met the requirements and
14 the conditions set forth in sections 267.560 to 267.660 and as
15 required by the department and as recommended by the United
16 States Department of Agriculture, and for such status for a
17 specific disease and for a herd of cattle, swine, goats or flock
18 of sheep or birds in another state which has met those minimum
19 requirements and conditions under the supervision of the
20 livestock sanitary authority of the state in which said animals
21 or birds are domiciled, and as recommended by the United States
22 Department of Agriculture for such status for a specific disease;

23 (7) "Department" or "department of agriculture", the
24 department of agriculture of the state of Missouri, and when by
25 this law the said department of agriculture is charged to perform

1 a duty, it shall be understood to authorize the performance of
2 such duty by the director of agriculture of the state of
3 Missouri, or by the state veterinarian of the state of Missouri
4 or his duly authorized deputies acting under the supervision of
5 the director of agriculture;

6 (8) "Infected animal" or "infected bird", an animal or bird
7 which shows a positive reaction to any recognized serological
8 test or growth on culture or any other recognized test for the
9 detection of any disease of livestock or poultry as approved by
10 the department or when clinical symptoms and history justifies
11 designating such animal or bird as being infected with a
12 contagious or infectious disease;

13 (9) "Isolated" or "isolation", a condition in which animals
14 or birds are quarantined to a certain designated premises and
15 quarantined separately and apart from any other animals or birds
16 on adjacent premises;

17 (10) "Licensed market", a market as defined and licensed
18 under chapter 277, RSMo;

19 (11) "Livestock", horses, cattle, swine, sheep, goats,
20 ratite birds including but not limited to ostrich and emu,
21 aquatic products as defined in section 277.024, RSMo, American
22 bison or buffalo, elk documented as obtained from a legal source
23 and not from the wild and raised in confinement for human
24 consumption or animal husbandry, poultry and other domesticated
25 animals or birds;

1 (12) "Official health certificate" is a legal record
2 covering the requirements of the state of Missouri executed on an
3 official form of the standard size from the state of origin and
4 approved by the proper livestock sanitary official of the state
5 of origin or an equivalent form provided by the United States
6 Department of Agriculture and issued by an approved, accredited,
7 licensed, graduate veterinarian;

8 (13) "Public stockyards", any public stockyards located
9 within the state of Missouri and subject to regulations of the
10 United States Department of Agriculture or the Missouri
11 department of agriculture;

12 (14) "Quarantine", a condition in which an animal or bird
13 of any species is restricted in movement to a particular premises
14 under such terms and conditions as may be designated by order of
15 the state veterinarian or his duly authorized deputies;

16 (15) "Traders" or "dealers", any person, firm or
17 corporation engaged in the business of buying, selling or
18 exchange of livestock on any basis other than on a commission
19 basis at any sale pen, concentration point, farm, truck or other
20 conveyance including persons, firms or corporations employed as
21 an agent of the vendor or purchaser excluding public stockyards
22 under federal supervision or markets licensed under sections
23 267.560 to 267.660 and under the supervision of the department,
24 breed association sales or any private farm sale.

25 276.606. As used in sections 276.600 to 276.661, the

1 following terms mean:

2 (1) "Agent", any person authorized to act for a livestock
3 dealer;

4 (2) "Dealer transactions", any purchase, sale, or exchange
5 of livestock by a dealer, or agent, representative, or consignee
6 of a dealer or person in which any interest equitable or legal is
7 acquired or divested whether directly or indirectly;

8 (3) "Director", the director of the Missouri department of
9 agriculture or his designated representative;

10 (4) "Engaged in the business of buying, selling, or
11 exchanging in commerce livestock", sales and purchases of greater
12 frequency than the person would make in feeding operation under
13 the normal operation of a farm, if the person is a farmer. If
14 the person is not a farmer he is a dealer engaged in the business
15 of buying, selling, or exchanging in commerce livestock;

16 (5) "Livestock", cattle, swine, sheep, goats, horses and
17 poultry, American bison or buffalo, and other domesticated or
18 semidomesticated or exotic animals;

19 (6) "Livestock dealer", any person engaged in the business
20 of buying, selling, or exchanging in commerce of livestock;

21 (7) "Livestock transactions", any purchase, sale or
22 exchange of livestock by a person, whether or not a livestock
23 dealer, in which any interest equitable or legal is acquired or
24 divested whether directly or indirectly;

25 (8) "Official ear tag", a metal or plastic ear tag

1 prescribed by the director conforming to the nine character
2 alpha-numeric national uniform ear-tagging system;

3 (9) "Person", any individual, partnership, corporation,
4 association or other legal entity;

5 (10) "State veterinarian", the state veterinarian of the
6 Missouri department of agriculture, or his appointed agent.

7 277.020. The following terms as used in this chapter mean:

8 (1) "Livestock", cattle, swine, sheep, ratite birds
9 including but not limited to ostrich and emu, aquatic products as
10 defined in section 277.024, American bison or buffalo, elk
11 documented as obtained from a legal source and not from the wild
12 and raised in confinement for human consumption or animal
13 husbandry, goats and poultry, equine and exotic animals;

14 (2) "Livestock market", a place of business or place where
15 livestock is concentrated for the purpose of sale, exchange or
16 trade made at regular or irregular intervals, whether at auction
17 or not, except this definition shall not apply to any public farm
18 sale or purebred livestock sale, or to any sale, transfer, or
19 exchange of livestock from one person to another person for
20 movement or transfer to other farm premises or directly to a
21 licensed market;

22 (3) "Livestock sale", the business of mediating, for a
23 commission, or otherwise, sale, purchase, or exchange
24 transactions in livestock, whether or not at a livestock market;
25 except the term "livestock sale" shall not apply to order buyers,

1 livestock dealers or other persons acting directly as a buying
2 agent for any third party;

3 (4) "Person", individuals, partnerships, corporations and
4 associations;

5 (5) "State veterinarian", the state veterinarian of the
6 Missouri state department of agriculture.

7 277.200. As used in sections 277.200 to 277.215, the
8 following terms mean:

9 (1) "Department", the department of agriculture;

10 (2) "Livestock", live cattle, swine, American bison or
11 buffalo, or sheep;

12 (3) "Packer", a person who is engaged in the business of
13 slaughtering livestock or receiving, purchasing or soliciting
14 livestock for slaughtering, the meat products of which are
15 directly or indirectly to be offered for resale or for public
16 consumption. "Packer" includes an agent of the packer engaged in
17 buying or soliciting livestock for slaughter on behalf of a
18 packer. "Packer" does not include a cold storage plant, a frozen
19 food locker plant exempt from federal inspection requirements, a
20 livestock market or livestock auction agency, any cattle buyer
21 who purchases twenty or fewer cattle per day or one hundred or
22 fewer cattle per week, any hog buyer who purchases fifty or fewer
23 hogs per day or two hundred fifty or fewer hogs per week, or any
24 sheep buyer who purchases fifty or fewer sheep per day or two
25 hundred fifty or fewer sheep per week.

1 348.195. 1. The authority may issue certificates of
2 guaranty covering a first loss guarantee up to but not more than
3 [twenty-five] fifty percent of the loan on a declining principal
4 basis for loans to individuals executing a note or other evidence
5 of a loan made for livestock production or other single-purpose
6 animal facility, including animal waste systems or livestock
7 purchase, but not to exceed the amount of two hundred fifty
8 thousand dollars for any one individual and to pay from the
9 single-purpose animal facilities loan guarantee fund to an
10 eligible lender up to [twenty-five] fifty percent of the amount
11 on a declining principal basis of any loss on any guaranteed loan
12 made under the provisions of sections 348.185 to 348.225, in the
13 event of default on the loan. Upon payment of the loan, the
14 authority shall be subrogated to all the rights of the eligible
15 lender.

16 2. As used in sections 348.185 to 348.225, the term
17 "eligible lender" means those entities defined as "lenders" under
18 subdivision (8) of section 348.015.

19 3. The authority shall charge for each guaranteed loan a
20 one-time participation fee of one percent which shall be
21 collected by the lender at the time of closing and paid to the
22 authority. In addition, the authority may charge a special loan
23 guarantee fee of up to one percent per annum of the outstanding
24 principal which shall be collected from the borrower by the
25 lender and paid to the authority. Amounts so collected shall be

1 deposited in the single-purpose animal facilities loan program
2 fund and used, upon appropriation, to pay the costs of
3 administering the program.

4 4. All moneys paid to satisfy a defaulted guaranteed loan
5 shall only be paid out of the single-purpose animal facilities
6 loan guarantee fund established by sections 348.185 to 348.225.

7 5. The total outstanding guaranteed loans shall at no time
8 exceed an amount which, according to sound actuarial judgment,
9 would allow immediate redemption of ~~forty~~ twenty percent of the
10 outstanding loans guaranteed by the fund at any one time.

11 348.210. 1. Persons eligible for guarantees for loans
12 under the provisions of sections 348.185 to 348.225 are
13 individuals engaged in farming operations as defined in section
14 348.015, who intend to use the proceeds from the loan to finance
15 breeding or feeder livestock, including the purchase of
16 additional or replacement livestock, land, buildings, facilities,
17 equipment, machinery, and animal waste facilities used to produce
18 poultry, hogs, beef, or dairy cattle, or other animals and who
19 are seeking a loan or loans to finance not more than ninety
20 percent of the anticipated cost.

21 2. The authority shall adopt and promulgate regulations
22 establishing eligibility under the provisions of sections 348.185
23 to 348.225, taking into consideration the individual's ability to
24 repay the loan, the general economic conditions of the area in
25 which the individual will be located, the prospect of success of

1 the particular facility for which the loan is sought and such
2 other factors as the authority may establish. The eligibility of
3 any person for a loan guarantee under the provisions of sections
4 348.185 to 348.225 shall not be determined or otherwise affected
5 by any consideration of that person's race, religion, sex, creed,
6 color, or location of residence. The authority may also provide
7 for:

8 (1) The requirement or nonrequirement of security or
9 endorsement and the nature thereof;

10 (2) The manner and time of repayment of the principal and
11 interest;

12 (3) The maximum rate of interest;

13 (4) The right of the borrower to accelerate payments
14 without penalty;

15 (5) The amount of the guaranty charge;

16 (6) The effective period of the guaranty;

17 (7) The percent of the loan, not to exceed [twenty-five]
18 fifty percent, covered by the guaranty;

19 (8) The assignability of loans by the lender;

20 (9) Procedures in event of default by the borrower;

21 (10) The due diligence effort on the part of lenders for
22 collection of guaranteed loans;

23 (11) Collection assistance to be provided to lenders; and

24 (12) The extension of the guaranty in consideration of duty
25 in the armed forces, unemployment, natural disasters, or other

1 hardships.

2 348.406. 1. The authority, upon application, may issue
3 certificates of guaranty covering a first loss guarantee up to
4 but not more than [twenty-five] fifty percent of the loan on a
5 declining principal basis for loans to eligible borrowers,
6 executing a note or other evidence of a loan made for the purpose
7 of an agricultural business development loan, but not to exceed
8 the amount of two hundred fifty thousand dollars for any eligible
9 borrower and to pay from the fund to an eligible lender up to
10 [twenty-five] fifty percent of the amount on a declining
11 principal basis of any loss on any guaranteed loan made pursuant
12 to the provisions of sections 348.400 to 348.415, in the event of
13 default on the loan. Upon payment on the guarantee, the
14 authority shall be subrogated to all the rights of the eligible
15 lender.

16 2. The authority shall charge for each guaranteed loan a
17 one-time participation fee of one percent which shall be
18 collected by the eligible lender at the time of closing and paid
19 to the authority. In addition, the authority may charge a
20 special loan guarantee fee of up to one percent per annum of the
21 outstanding principal which shall be collected from the eligible
22 borrower by the eligible lender and paid to the authority.

23 3. All moneys paid to satisfy a defaulted guaranteed loan
24 shall only be paid out of the fund.

25 4. The total outstanding guaranteed loans shall at no time

1 exceed an amount which, according to sound actuarial judgment,
2 would allow immediate redemption of [forty] twenty percent of the
3 outstanding loans guaranteed by the fund at any one time.

4 348.412. 1. Eligible borrowers:

5 (1) Shall use the proceeds of the agricultural business
6 development loan to acquire agricultural property; and

7 (2) May not finance more than ninety percent of the
8 anticipated cost of the project through the agricultural business
9 development loan.

10 2. The project shall have opportunities to succeed in the
11 development, expansion and operation of businesses involved in
12 adding value to, marketing, exporting, processing, or
13 manufacturing agricultural products that will benefit the state
14 economically and socially through direct or indirect job creation
15 or job retention.

16 3. The authority shall promulgate rules establishing
17 eligibility pursuant to the provisions of sections 348.400 to
18 348.415, taking into consideration:

19 (1) The eligible borrower's ability to repay the
20 agricultural business development loan;

21 (2) The general economic conditions of the area in which
22 the agricultural property will be located;

23 (3) The prospect of success of the particular project for
24 which the loan is sought; and

25 (4) Such other factors as the authority may establish.

1 4. The authority may promulgate rules to provide for:

2 (1) The requirement or nonrequirement of security or
3 endorsement and the nature thereof;

4 (2) The manner and time or repayment of the principal and
5 interest;

6 (3) The maximum rate of interest;

7 (4) The right of the eligible borrower to accelerate
8 payments without penalty;

9 (5) The amount of the guaranty charge;

10 (6) The effective period of the guaranty;

11 (7) The percent of the agricultural business development
12 loan, not to exceed [twenty-five] fifty percent, covered by the
13 guaranty;

14 (8) The assignability of agricultural business development
15 loans by the eligible lender;

16 (9) Procedures in the event of default on an agricultural
17 business development loan;

18 (10) The due diligence effort on the part of eligible
19 lenders for collection of guaranteed loans;

20 (11) Collection assistance to be provided to eligible
21 lenders; and

22 (12) The extension of the guaranty in consideration of duty
23 in the armed forces, unemployment, natural disasters, or other
24 hardships.

25 348.430. 1. The tax credit created in this section shall

1 be known as the "Agricultural Product Utilization Contributor Tax
2 Credit".

3 2. As used in this section, the following terms mean:

4 (1) "Authority", the agriculture and small business
5 development authority as provided in this chapter;

6 (2) "Contributor", an individual, partnership, corporation,
7 trust, limited liability company, entity or person that
8 contributes cash funds to the authority;

9 (3) "Development facility", a facility producing either a
10 good derived from an agricultural commodity or using a process to
11 produce a good derived from an agricultural product;

12 (4) "Eligible new generation cooperative", a nonprofit
13 cooperative association formed pursuant to chapter 274, RSMo, or
14 incorporated pursuant to chapter 357, RSMo, for the purpose of
15 operating a development facility or a renewable fuel production
16 facility;

17 (5) "Eligible new generation processing entity", a
18 partnership, corporation, cooperative, or limited liability
19 company organized or incorporated pursuant to the laws of this
20 state consisting of not less than twelve members, approved by the
21 authority, for the purpose of owning or operating within this
22 state a development facility or a renewable fuel production
23 facility in which producer members:

24 (a) Hold a majority of the governance or voting rights of
25 the entity and any governing committee;

1 (b) Control the hiring and firing of management; and

2 (c) Deliver agricultural commodities or products to the
3 entity for processing, unless processing is required by multiple
4 entities;

5 (6) "Renewable fuel production facility", a facility
6 producing an energy source which is derived from a renewable,
7 domestically grown, organic compound capable of powering
8 machinery, including an engine or power plant, and any by-product
9 derived from such energy source.

10 3. For all tax [year] years beginning on or after January
11 1, 1999, a contributor who contributes funds to the authority may
12 receive a credit against the tax or estimated quarterly tax
13 otherwise due pursuant to chapter 143, RSMo, other than taxes
14 withheld pursuant to sections 143.191 to 143.265, RSMo, chapter
15 148, RSMo, chapter 147, RSMo, in an amount of up to one hundred
16 percent of such contribution. Tax credits claimed in a taxable
17 year may be done so on a quarterly basis and applied to the
18 estimated quarterly tax pursuant to this subsection. The
19 awarding of such credit shall be at the approval of the
20 authority, based on the least amount of credits necessary to
21 provide incentive for the contributions. A contributor that
22 receives tax credits for a contribution to the authority shall
23 receive no other consideration or compensation for such
24 contribution, other than a federal tax deduction, if applicable,
25 and goodwill. A contributor that receives tax credits for a

1 contribution provided in this section may not be a member, owner,
2 investor or lender of an eligible new generation cooperative or
3 eligible new generation processing entity that receives financial
4 assistance from the authority either at the time the contribution
5 is made or for a period of two years thereafter.

6 4. A contributor shall submit to the authority an
7 application for the tax credit authorized by this section on a
8 form provided by the authority. If the contributor meets all
9 criteria prescribed by this section and the authority, the
10 authority shall issue a tax credit certificate in the appropriate
11 amount. Tax credits issued pursuant to this section shall
12 [initially] be claimed in the taxable year in which the
13 contributor contributes funds to the authority or within three
14 tax years of the tax year in which the contributor contributes
15 funds to the authority. Any amount of credit that exceeds the
16 tax due for a contributor's taxable year in which the tax credit
17 is claimed may be carried back to any of the contributor's three
18 prior tax years and may be carried forward to any of the
19 contributor's five subsequent taxable years. Tax credits issued
20 pursuant to this section may be assigned, transferred or sold.
21 Whenever a certificate of tax credit is assigned, transferred,
22 sold or otherwise conveyed, a notarized endorsement shall be
23 filed with the authority specifying the name and address of the
24 new owner of the tax credit or the value of the credit.

25 5. The funds derived from contributions in this section

1 shall be used for financial assistance or technical assistance
2 for the purposes provided in section 348.407, to rural
3 agricultural business concepts as approved by the authority. The
4 authority may provide or facilitate loans, equity investments, or
5 guaranteed loans for rural agricultural business concepts, but
6 limited to two million dollars per project or the net state
7 economic impact, whichever is less. Loans, equity investments or
8 guaranteed loans may only be provided to feasible projects, and
9 for an amount that is the least amount necessary to cause the
10 project to occur, as determined by the authority. The authority
11 may structure the loans, equity investments or guaranteed loans
12 in a way that facilitates the project, but also provides for a
13 compensatory return on investment or loan payment to the
14 authority, based on the risk of the project.

15 6. In any given year, at least ten percent of the funds
16 granted to rural agricultural business concepts shall be awarded
17 to grant requests of twenty-five thousand dollars or less. No
18 single rural agricultural business concept shall receive more
19 than two hundred thousand dollars in grant awards from the
20 authority. Agricultural businesses owned by minority members or
21 women shall be given consideration in the allocation of funds.

22 348.432. 1. The tax credit created in this section shall
23 be known as the "New Generation Cooperative Incentive Tax
24 Credit".

25 2. As used in this section, the following terms mean:

1 (1) "Authority", the agriculture and small business
2 development authority as provided in this chapter;

3 (2) "Development facility", a facility producing either a
4 good derived from an agricultural commodity or using a process to
5 produce a good derived from an agricultural product;

6 (3) "Eligible new generation cooperative", a nonprofit
7 cooperative association formed pursuant to chapter 274, RSMo, or
8 incorporated pursuant to chapter 357, RSMo, for the purpose of
9 operating a development facility or a renewable fuel production
10 facility and approved by the authority;

11 (4) "Eligible new generation processing entity", a
12 partnership, corporation, cooperative, or limited liability
13 company organized or incorporated pursuant to the laws of this
14 state consisting of not less than twelve members, approved by the
15 authority, for the purpose of owning or operating within this
16 state a development facility or a renewable fuel production
17 facility in which producer members:

18 (a) Hold a majority of the governance or voting rights of
19 the entity and any governing committee;

20 (b) Control the hiring and firing of management; and

21 (c) Deliver agricultural commodities or products to the
22 entity for processing, unless processing is required by multiple
23 entities;

24 (5) "Employee-qualified capital project", an eligible new
25 generation cooperative with capital costs greater than fifteen

1 million dollars which will employ at least [one hundred] sixty
2 employees;

3 (6) "Large capital project", an eligible new generation
4 cooperative with capital costs greater than one million dollars;

5 (7) "Producer member", a person, partnership, corporation,
6 trust or limited liability company whose main purpose is
7 agricultural production that invests cash funds to an eligible
8 new generation cooperative or eligible new generation processing
9 entity;

10 (8) "Renewable fuel production facility", a facility
11 producing an energy source which is derived from a renewable,
12 domestically grown, organic compound capable of powering
13 machinery, including an engine or power plant, and any by-product
14 derived from such energy source;

15 (9) "Small capital project", an eligible new generation
16 cooperative with capital costs of no more than one million
17 dollars.

18 3. Beginning tax year 1999, and ending December 31, 2002,
19 any producer member who invests cash funds in an eligible new
20 generation cooperative or eligible new generation processing
21 entity may receive a credit against the tax or estimated
22 quarterly tax otherwise due pursuant to chapter 143, RSMo, other
23 than taxes withheld pursuant to sections 143.191 to 143.265,
24 RSMo, or chapter 148, RSMo, chapter 147, RSMo, in an amount equal
25 to the lesser of fifty percent of such producer member's

1 investment or fifteen thousand dollars.

2 4. For all tax years beginning on or after January 1, 2003,
3 any producer member who invests cash funds in an eligible new
4 generation cooperative or eligible new generation processing
5 entity may receive a credit against the tax or estimated
6 quarterly tax otherwise due pursuant to chapter 143, RSMo, other
7 than taxes withheld pursuant to sections 143.191 to 143.265,
8 RSMo, chapter 147, RSMo, or chapter 148, RSMo, in an amount equal
9 to the lesser of fifty percent of such producer member's
10 investment or fifteen thousand dollars. Tax credits claimed in a
11 taxable year may be done so on a quarterly basis and applied to
12 the estimated quarterly tax pursuant to subsection 3 of this
13 section.

14 5. A producer member shall submit to the authority an
15 application for the tax credit authorized by this section on a
16 form provided by the authority. If the producer member meets all
17 criteria prescribed by this section and is approved by the
18 authority, the authority shall issue a tax credit certificate in
19 the appropriate amount. Tax credits issued pursuant to this
20 section shall [initially] be claimed in the taxable year in which
21 the producer member contributes capital to an eligible new
22 generation cooperative or eligible new generation processing
23 entity or within three tax years of the tax year in which the
24 producer member contributes such capital. Any amount of credit
25 that exceeds the tax due for a producer member's taxable year in

1 which the tax credit is claimed may be carried back to any of the
2 producer member's three prior taxable years and carried forward
3 to any of the producer member's five subsequent taxable years
4 regardless of the type of tax liability to which such credits are
5 applied as authorized pursuant to subsection 3 of this section.

6 Tax credits issued pursuant to this section may be assigned,
7 transferred, sold or otherwise conveyed and the new owner of the
8 tax credit shall have the same rights in the credit as the
9 producer member. Whenever a certificate of tax credit is
10 assigned, transferred, sold or otherwise conveyed, a notarized
11 endorsement shall be filed with the authority specifying the name
12 and address of the new owner of the tax credit or the value of
13 the credit.

14 6. Ten percent of the tax credits authorized pursuant to
15 this section initially shall be offered in any fiscal year to
16 small capital projects. If any portion of the ten percent of tax
17 credits offered to small capital costs projects is unused in any
18 calendar year, then the unused portion of tax credits may be
19 offered to employee-qualified capital projects and large capital
20 projects. If the authority receives more applications for tax
21 credits for small capital projects than tax credits are
22 authorized therefor, then the authority, by rule, shall determine
23 the method of distribution of tax credits authorized for small
24 capital projects.

25 7. Ninety percent of the tax credits authorized pursuant to

1 this section initially shall be offered in any fiscal year to
2 employee-qualified capital projects and large capital projects.
3 If any portion of the ninety percent of tax credits offered to
4 employee-qualified capital projects and large capital costs
5 projects is unused in any fiscal year, then the unused portion of
6 tax credits may be offered to small capital projects. The
7 maximum tax credit allowed per employee-qualified capital project
8 is three million dollars and the maximum tax credit allowed per
9 large capital project is one million five hundred thousand
10 dollars. If the authority approves the maximum tax credit
11 allowed for any employee-qualified capital project or any large
12 capital project, then the authority, by rule, shall determine the
13 method of distribution of such maximum tax credit. In addition,
14 if the authority receives more tax credit applications for
15 employee-qualified capital projects and large capital projects
16 than the amount of tax credits authorized therefor, then the
17 authority, by rule, shall determine the method of distribution of
18 tax credits authorized for employee-qualified capital projects
19 and large capital projects.

20 430.030. 1. Every person who furnishes labor or material
21 on any horse, mule or other animal, who shall obtain a written
22 memorandum of the work or material furnished, or to be furnished,
23 signed by the owner of such horse, mule or other animal, shall
24 have a lien for the amount of such work or material as is ordered
25 or stated in such written memorandum. The provisions of this

1 section shall include liens against livestock for veterinary
2 care.

3 2. Such lien shall be on such horse, mule or other animal
4 as shall be placed in the possession of the person furnishing the
5 labor or material; provided, however, that for labor and material
6 furnished on more than one horse, mule or other animal belonging
7 to the same owner, the person furnishing such labor and material
8 may, at his option, have a lien on any one or more of such
9 horses, mules or other animals for the amount of labor and
10 material furnished on all of such horses, mules and other animals
11 belonging to such owner.

12 578.405. 1. Sections 578.405 to 578.412 shall be known and
13 may be cited as "The Animal Research and Production Facilities
14 Protection Act".

15 2. As used in sections 578.405 to 578.412, the following
16 terms mean:

17 (1) "Animal", every living creature, domestic or wild, but
18 not including Homo sapiens;

19 (2) "Animal facility", any facility, animal farming
20 operation, business or organization engaging in legal scientific
21 research or agricultural production or involving the use of
22 animals, including any organization with a primary purpose of
23 representing livestock production or processing, any organization
24 with a primary purpose of promoting or marketing livestock or
25 livestock products, any person licensed to practice veterinary

1 medicine, any organization involved in the production of pet food
2 or pet food research, and any organization with a primary purpose
3 of representing any such person, organization, or institution.

4 The term shall include the owner, operator, and employees of any
5 animal facility [and], the offices [and], barns, buildings or
6 other structures, the vehicles of any such persons while engaged
7 in duties related to the animal facility, and any premises,
8 private or public property, where animals are located, including
9 but not limited to the barns, buildings, or areas where animals
10 are pastured, housed, or otherwise quartered. For purposes of
11 this subdivision, "public property" means any real property where
12 only persons authorized by the facility are permitted to have
13 access;

14 (3) "Director", the director of the department of
15 agriculture.

16 578.407. No person shall:

17 (1) Release, steal, or otherwise intentionally cause the
18 death, injury, or loss of any animal at or from an animal
19 facility and not authorized by that facility;

20 (2) Damage, vandalize, or steal any property in or on an
21 animal facility;